

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, NOVEMBER 4, 1998**

Members Present: Patrick J. Gilmartin, Chairman
Peter Lilienfield
Allen Morris
Patrick Natarelli

Members Absent: William Hoffman

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston & Joseph Elliot, Ad Hoc
Planning Board Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 98-43 -- Stanley Rubenzahl
Sht.10, P-77, Part of P-21F
98-44 -- Ciccio & Chernick
Sht. 10C, Bl.226, Lot 25
98-45 -- Fred & Helen Herlitz
Sht. 2, P-109T2 & P-109U
98-46 -- John & Stacey Tunis
Sht.4, Bl.206, Lot 15B
98-47 -- Louis & Alice Schenkel
Sht. 10, Bl.257, Lot 3A
98-48 -- Gerald & Maria Kargman
Sht. 10, Bl.257, Lot 5

The Chairman called the meeting to order at 8:00
p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #98-45:
Herlitz for Waiver

Application of Fred & Helen
of Site Development Plan Approval
for property
at 28 Matthiessen Park.

Mr. Fred Herlitz and Salvatore Triano, P.E., appeared for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. This application is for Waiver of Requirements for Site Development Plan Approval to construct an 18 ft.x 36 ft. swimming pool. Drawings prepared by Shoreline Pools, "Swimming Pool Details, dated August 19, 1998" and "Herlitz Residence Site Plan (2 sheets) dated June 24, 1998, by Crossland Engineering" were submitted.

After some discussion regarding pool drainage, the Board was satisfied that the annual pool drainage would not impact the environment. There were no comments from the public. The Chairman, with the Board's concurrence stated that the application would be treated as a Type II Action for SEQRA purposes.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or

general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #98-46:
Tunnis for Site

Application of John & Stacey
Development Plan Approval for
property at
28 South Cottenet Street.

John and Stacey Tunnis appeared personally for this Application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed development consists of an addition to the rear of the existing house. The increase will add a total of about 580 square feet of floor area on a total of two floors, a total of about 4525 cubic feet. Drawings "Addition to Tunis Residence (2 Sheets) dated October 20, 1998, by Tancredi Spano Architects, P.C.", were submitted. The Chairman noted that the project required a zoning variance from the Zoning Board of Appeals.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition and alteration meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that

the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan approval for the Application subject to Zoning Board of Appeals Approval.

IPB Matter #98-47:
Schenkel for Site

Application of Louis & Alice

Development Plan Approval for
property at

111 Sycamore Lane.

Ms. Christine Broda, Architect, appeared for the application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of the construction of a one-story addition to the east side of the existing residence to extend the kitchen, beginning at the northeast corner which will measure 130 square feet of floor area a total of about 1400 cubic feet. Drawings entitled "Schenkel Residence, five sheets, dated August 17, 1998, revised October 23, 1998" by Christine Broda, Architect were submitted. The Chairman noted that Zoning Board of Appeals approval was required with respect to the proposed construction.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with this Application.

IPB Matter #98-48:
Maria Kargman for

Application of Gerald &
Site Development Plan Approval
for property at
102 Sycamore Lane.

Ms. Christine Broda, Architect, appeared for the application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a sunroom and deck addition, the increase will add a total of about 200 square feet of floor area on a total of one floor, a total of about 1860 cubic feet. Drawings entitled "Kargman Residence, 6 sheets, dated October 23, 1998, prepared by Christine Broda, Architect" were submitted. The Chairman noted that the

deck is within the rear-yard setback and requires a Zoning Variance.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition and alteration meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **_NOW,** **THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for the Application subject to Zoning Board of Appeals Approval.

IPB Matter #98-43: **Application of Stanley**
Rubenzahl for subdivision **approval for property at 76 North**
Broadway.

Norman Sheer, Esq., appeared for the Applicant. Applicant is requesting subdivision approval to create one additional lot for the existing two-story residence in which he resides. There were no comments from the public. The Board reminded the Applicant that Mr. Mastromonaco had requested that the drawing show existing water and sewer lines. Discussion centered around the ownership of Strawberry Lane. Mr. Sheer's title search showed that Strawberry Lane is private, but is not clear who owns the property. Kevin Plunkett, Village Counsel, advised that frontage on a private street meets the requirement of the Zoning Ordinance. The Board noted that the property is in a residential zone and a variance exists to have the property also used for an office and laboratory in accordance with the conditions of the variance. The Board concluded that separating out the residential building as a separate lot would not impair the variance or be in violation of it.

The Board then determined that the site capacity of the property overall was at least two dwelling units and that the residential lot to be created would have a site capacity of one dwelling unit. The Board determined that the proposed subdivision was a Type II action under SEQRA, particularly in view of the fact that the residential building to be located on the new lot to be created already exists.

The Board then determined that the subdivision application was complete and placed it on the agenda of the December 2 meeting for consideration of preliminary approval thereof.

IPB Matter #98-44:
Denise Ciccio and

Application of Joseph &
Mitchell & Sheri Chernick for
subdivision of
property at Riverview Road.

Norman Sheer, Esq., appeared for the Application carried over from the October 4, 1998, Planning Board meeting. Mr. Caesar Manfredi expressed concern about septic runoff on the steep property. Mrs. Luburic of Riverview Road cited the same concerns and noted her sewer connection cost \$50,000 and Mr. Tischelman was concerned with water runoff that would flow into Marshall's Pond. There was much discussion on septic systems and its runoff as well as general drainage. Mr.

Mastromonaco's comments, memo dated November 4, 1998, were noted.

The Planning Board expressed concern about the proposal to build a driveway along the right of way that connects Upper Riverview Road to Lower Riverview Road and Peter Bont Road. The issues which were discussed were the legal question of who has the right to improve a paper street, and how can a paper street be removed from the Official Map; in particular, if the portion of the paper street which is the driveway is improved to a certain standard, who could take the next step and make a completed connection from Upper Riverview Road to Peter Bont Road. The Board was unanimous in its view that linking Upper Riverview Road to Peter Bont Road would not be a desirable development for the Village. Mr. Plunkett, Village Counsel, was asked to prepare a memorandum dealing with the rights to open, improve or de-map a paper street for the Board to consider at its next meeting.

Mr. Sheer was also asked to provide a topographical map of the property in question so that drainage and septic system issues can be more clearly understood.

The Board noted that it has the right to condition approval of any subdivision on construction of the proposed driveway along the right of way of the paper street to Village standards required for a public road. The Board also expressed the view that the agreement which the Village, acting by the Board of Trustees, had entered into some years ago with the present owner of the property, Dr. Hu, pursuant to which Dr. Hu granted an easement over the property in favor of the Village for construction of a water line, does not compel the Planning Board to approve the subdivision being requested.

With respect to the septic system, Mr. Sheer gave figures which he said indicated that connecting to various sewer lines instead of using a septic system would be prohibitively expensive.

The matter was carried over to the December 2 meeting.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on October 7, 1998, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for Wednesday, December 2, 1998.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary